

### **REMARKS**

Examiner objections with respect to the title and the abstract have been addressed with the amendments to the specification described above. The Applicants note, however, that the new abstract is taken from the PCT application from which the present application has been filed.

Claims 1-13, including independent claims 1, 12 and 13, were rejected under 35 USC §103(a) as being unpatentable over Birchler et al. in view of Durque-Anton et al. The Applicants respectfully disagree with the Examiner's rejections. Nonetheless, the claims have been amended to clarify the Applicant's invention. In particular, the independent claims have been amended to clarify that each cell of the group of cells is operable to simulcast an identical common simulcast broadcast carrier carrying identification and signalling information common for the group of cells on a broadcast carrier frequency common for the group of cells; that the first traffic carrier is not common for the group of cells; and that the measurements are performed in a fixed part of the network.

It is noted that the current invention is concerned with operation in a simulcast communication system wherein a common broadcast carrier is transmitted by a plurality of cells. In contrast to a normal GSM or iDEN communication system, there is no separate broadcast or pilot channel that may identify the individual cell. Thus, a simulcast system is equivalent to a single cell having only one broadcast channel but a number of traffic channels which are transmitted from different locations within the larger cells.

Hence, as described on e.g. page 2 2<sup>nd</sup> paragraph, page 5 2<sup>nd</sup> paragraph, and clarified in the claims, an identical common simulcast broadcast carrier is transmitted from each of the individual cells, i.e., exactly the same broadcast signal is transmitted from all cells. Thus, a mobile station receives only a single combined broadcast signal and cannot separate or differentiate between contributions from the individual cells.

Accordingly, mobile assisted handover is not practical in such a system as this is based on measuring broadcast carriers of individual cells. Therefore, in the simulcast system, measurements are performed in the fixed part of the network rather than by mobile stations (ref. page 2 2<sup>nd</sup> paragraph). The claims have been amended to clarify that the measurements are performed in the fixed part of the network rather than in a mobile station. However, as mentioned on page 3 1<sup>st</sup> paragraph, in a simulcast system measurements of mobiles in other cells may be hindered or degraded by mobile stations in the present cell, and the invention addresses this problem by intermittently performing and intra cell handover to the simulcast broadcast carrier, which is common for all the cells in the group.

Birchler et al. teaches an iDEN communication system wherein the mobile stations perform measurements of control channels from different cells in order to determine suitable handover candidates. Mobile measurements are controlled by the provided neighbour lists and Birchler et al. teaches that different neighbour lists may be provided in different situations. However, it is respectfully submitted that Birchler et al is not concerned with a simulcast system where a group of cells is operable to simulcast an identical common simulcast broadcast carrier carrying identification and signalling information common for the group of cells on a broadcast carrier frequency common for the group of cells. Rather in the system of Birchler et al. each cell has an individual control channel. In fact it is inherently necessary for the mobile assisted method disclosed by Birchler et al. that each cell has an individual control channel which can be identified and measured by the mobile station. Thus, the system of Birchler et al. is incompatible with a simulcast system in accordance with the current claims.

Furthermore, it is respectfully submitted that Birchler et al. is concerned only with measurements (of the individual broadcast channels of the individual cells) in the mobile station and does not comprise any teaching of any uplink measurements i.e. of any measurements performed in the fixed part of the network.

The Applicant agrees that Birchler et al. teaches a system wherein a plurality of cells are controlled by a central controller (150). However, it is respectfully submitted that this controller (150) merely provides various information to the base stations, and that Birchler et al. comprises no suggestion or hint that this controller distributes a signal

that should be transmitted by the cells as a common simulcast broadcast carrier carrying identification and signalling information common for the group of cells on a broadcast carrier frequency common for the group of cells. Rather, it is submitted that the central controller distributes and controls signalling information from the individual cells including for example the different neighbour lists.

It is respectfully submitted that Durque-Anton et al. do not comprise any teaching related to a simulcast system wherein a common simulcast broadcast carrier carries identification and signalling information common for the group of cells on a broadcast carrier frequency common for the group of cells or of measurements being performed in a fixed part of the network.

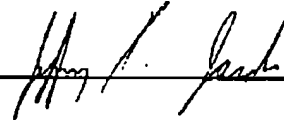
In conclusion, it is respectfully submitted that neither Birchler et al. nor Durque-Anton et al. teach the features of a group of cells, each cell of the group of cells being operable to simulcast an identical common simulcast broadcast carrier carrying identification and signalling information common for the group of cells on a broadcast carrier frequency common for the group of cells; or of means, situated in a fixed part of the network, for performing measurements of the radio environment when the mobile station is using the common simulcast broadcast carrier.

Since neither Birchler et al. nor Durque-Anton et al. teach all of the limitations of any of the present claims, the applicant asserts that the Examiner has not shown anticipation nor made a prima facie case for obviousness. No remaining grounds for rejection or objection being given, the applicant now respectfully submits that the claims in their present form are patentable over the prior art of record, and are in condition for allowance. As a result, allowance and issuance of this case is earnestly solicited.

The Examiner is invited to contact the undersigned, if such communication would advance the prosecution of the present application. Lastly, please charge any additional fees (including extension of time fees) or credit overpayment to Deposit Account No. 502117 -- Motorola, Inc.

Respectfully submitted,  
Thomas etal.

By: \_\_\_\_\_



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